

**REMARKS**

The Examiner's action dated February 2, 2009, has been received, and its contents carefully noted.

In order to advance prosecution, claim 1 has been amended to specify that the method comprises "utilizing MS-SPRING/BLSR System for SDH/SONET traffic protection, as well as the step of "performing protection of the Ethernet data packets at the SDH/SONET layer", together with the previously recited step of detecting at least one isolated node and the previously recited recitation of the operation of preventing initiation... as part of the step of performing protection....

Claim 8 has been amended to state more specifically that the software product comprises instructions for: cooperating with MS-SPRING/BLSR for detecting at least one isolated node in the network and protecting the Ethernet data packets at the SDH/SONET layer by blocking a squelching algorithm.

These claims, as amended, clearly distinguish patentably over the prior art for reasons already set out in detail in the response filed on November 10, 2008.

Accordingly, the rejection presented in the last action is traversed and to avoid needless repetition, the entirety of that response is incorporated herein by reference

and the Examiners kindly asked to again consider the arguments presented therein in light of the amended claims.

In addition, it is believed that the original claims, and in particular original claims 1 and 8, already distinguished over the prior art because the recitations appearing in what the Examiner identified as the "preamble" of claim 1 were, in fact, entitled to be accorded patentable weight.

It is noted, in this connection, that the original version of claim 1 stated that "the method includes" utilizing MS-SPRING/BLSR system.... Moreover, the portion of the claim after the word "comprises" specifically referred back to such a system with respect to SDH/SONET.

In other words, even if the portion of original claim 1 following "the method includes" were interpreted as part of the preamble, which is a questionable interpretation, the recitations following that phrase clearly contributed to the completeness of the claim.

Claim 8 now clearly distinguishes over the prior art by its recitation of the instructions contained in the software product, which include instructions for detecting at least one isolated node in the network and protecting the Ethernet data packets at the SDH/SONET layer. As was pointed

Appln. No. 10/528,157  
Amd. dated April 1, 2009  
Reply to Office Action of February 2, 2009

out in the remarks of the response filed on November 10, 2008,  
the prior art does not disclose the performance of such  
operations.

In view of the foregoing, it is requested that the  
rejections of record be reconsidered and withdrawn, that the  
pending claims be allowed and that the application be found in  
allowable condition.

If the above amendment should not now place the  
application in condition for allowance, the Examiner is  
invited to call undersigned counsel to resolve any remaining  
issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By /jmf/  
Jay M. Finkelstein  
Registration No. 21,082

JMF:smb  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\E\eci\MEGED1\Pto\2009-04-01 Amendment AF.doc